

REMARKS/ARGUMENTS

Status of Claims

Claims 1-18 are pending.

Rejection of claims 1-3 and 5-6 under 35 USC § 102(b) as being anticipated by Pack et al (2002/0010923)

Applicant respectfully traverses this rejection.

Under 35 USC § 102, the reference must expressly or inherently disclose each and every feature of the subject matter claimed. Pack does not disclose, teach or suggest, expressly or inherently, the claimed features.

Claim 1 recites an apparatus for displaying a television video signal in a mobile terminal.

Pack merely discloses an apparatus and method for providing and obtaining product information independently when products are displayed in a scene for allowing simultaneous watching of a broadcast program while the information is displayed (see paragraphs 12-14). Pack describes a channel decoder that can demodulate a tuned signal into a 4-8 channel multiplexed digital data stream, and conduct channel-decoding for only a data stream belonging to a chosen channel. The channel decoder 21 reads URL information associated with the selected product and can activate a TCP/IP program of the network interface to enable data communication through the internet (see paragraph 57).

Park does not disclose *an apparatus for displaying a television video signal in a mobile terminal, comprising input means for generating a plurality of signals for control of a television mode of said mobile terminal, control means responsive to said control signals from said input means for generating a plurality of commands for execution of said television mode and user data to be displayed when said television mode is executed, a tuner for receiving a television signal of a selected channel, a decoder for decoding the television signal received by said tuner to separate it into said television video signal, an audio signal and synchronous signals, video processing means for, in said television mode, converting said video signal from said decoder into digital video data, processing and storing the converted digital video data on a frame basis, outputting stored video data of a previous frame in a frame period and then outputting said user data, and display means having a video data display area and a user data display area, said display means displaying said*

frame video data and user data from said video processing means respectively in said video data display area and user data display area. Accordingly, claim 1 is allowable.

Claims 2, 3, 5 and 6 are allowable at least because they depend from allowable base claim 1.

Rejection of claims 4 and 7-18 under 35 USC § 103(a) as being unpatentable over Pack et al (2002/0010923)

Applicant respectfully traverses this rejection.

In addition to the reasons presented for claim 1 above, Pack does not disclose, teach or suggest the features of claims 4 and 7-18.

The Examiner relies on a rejection based on Official Notice to make up for Pack's deficiencies.

Applicant asserts that the rationale supporting an obviousness rejection may be based on common knowledge in the art or 'well-known' prior art. The Examiner may take **official notice** of facts outside of the record which are capable of instant and unquestionable demonstration of being 'well-known' in the art. See MPEP § 2144.03. However, the facts so noticed serve to 'fill the gaps' which might exist in the evidentiary showing and should not comprise the principle evidence upon which a rejection is based. See MPEP § 2144.03.

Accordingly, the Applicants traverse the rejections of claims 4 and 7-18, based on official notice and request references for disclosure of *format scalar and scaling for converting video image from one size to another, rotating an image operation and an analog/digital converter in a mobile terminal*, as alleged by the Examiner.

In view of these remarks, if the Examiner does not intend to withdraw the rejection of the claims, Applicants request that the Examiner provide evidence in the next Office action regarding the requirements of the claims being known in the art or explain why no evidence is required. See MPEP § 2144.03.

If the Examiner declines to provide evidence, and if the Examiner wishes to maintain a rejection based upon personal knowledge regarding the requirements of the claims being known in the art, Applicants request that such knowledge be stated as specifically as possible in an affidavit, in accordance with MPEP § 2144.03.

Applicant respectfully requests that if the application is not passed for allowance, that the Examiner issue the next office action as non-final so that Applicant has a chance to respond.

Additionally, claims 9, 12, 16, 17 and 18 are allowable at least for reasons similar to the reasons for claim 1, above.

Claims 10, 11 and 13-15 are allowable at least because they depend from allowable base claims 9 and 12.

Conclusion

In view of the above, it is believed that the above-identified application is in condition for allowance, and notice to that effect is respectfully requested. Should the Examiner have any questions, the Examiner is encouraged to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,



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